

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JOHN W. BOLSCH and THERESA
BOLSCH,

Plaintiffs,

- against -

MW MECHANICAL, INC., HINES INTERESTS
LIMITED PARTNERSHIP and 140 BW LLC,

Defendants.

-----X

MW MECHANICAL, INC.,

Defendant/Third-Party Plaintiff,

-against-

HINES INTERESTS LIMITED PARTNERSHIP
and 140 BW LLC,

Third-Party Defendants.

-----X

C O U N S E L O R S :

Defendant/Third-Party Plaintiff, MW MECHANICAL, INC., by its attorneys,
COHEN, KUHN & ASSOCIATES, answering the cross-claims of defendants, HINES
INTERESTS LIMITED PARTNERSHIP and 140 BW LLC, herein, respectfully alleges
upon information and belief:

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION
AGAINST MW MECHANICAL, INC.**

1. Denies each and every allegation in the cross-claim paragraph "12" of the
answer of defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW
LLC.

**ANSWER TO DEFENDANTS'
CROSS-CLAIMS**

Civil No: 07 CIV 7680 (RPP)

Trial by Jury Demanded

**AS AND FOR A CROSS-CLAIM FOR COMMON LAW
INDEMNITY AGAINST: MW MECHANICAL, INC.**

2. Denies each and every allegation in the cross-claim paragraph “13” of the answer of defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW LLC.

**AS AND FOR A CROSS-CLAIM FOR CONTRACTUAL
INDEMNITY AGAINST: MW MECHANICAL, INC.**


3. Denies each and every allegation in the cross-claim paragraphs “14”, “15” and “16” of the answer of defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW LLC.

**AS AND FOR A CROSS-CLAIM FOR BREACH OF
CONTRACT FOR FAILURE TO NAME ON INSURANCE
POLICY AGAINST AGAINST: MW MECHANICAL, INC.**

4. Denies each and every allegation in the cross-claim paragraphs “17”, “18”, “19” and “20” of the answer of defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW LLC.

WHEREFORE, defendant, MW MECHANICAL, INC., demands judgment dismissing the defendants’ cross-claims against it, together with the costs and disbursements of this action, with such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York
April 9, 2008


By: Gary P. Asher (GPA 1188)
COHEN, KUHN & ASSOCIATES
Attorneys for Defendant
MW MECHANICAL, INC.
Two Park Avenue, 6th Floor
New York, New York 10016
(212) 553-8736

TO: LAW OFFICES OF MICHAEL J. ASTA
(MJA 1035)
Attorneys for Plaintiffs
JOHN W. BOLSCH and THERESA BOLSCH
450 Seventh Avenue, Suite 2205
New York, NY 10123
(212) 244-6555

PEREZ & VARVARO
By: Joseph Varvaro (4224)
Attorneys for Defendants/Third
Party Defendants
HINES INTERESTS LIMITED
PARTNERSHIP and 140 BW LLC
333 Earle Ovington Boulevard
P.O. Box 9372
Uniondale, NY 11553-3644
(516) 745-831

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

GARY P. ASHER, being duly sworn, deposes and says:

I am an attorney associated with the firm of COHEN, KUHN & ASSOCIATES, the attorneys of record for defendant/third-party plaintiff, MW MECHANICAL, INC., in the within action.

I have read the foregoing **ANSWER TO CROSS-CLAIMS** and know the contents thereof.

The same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

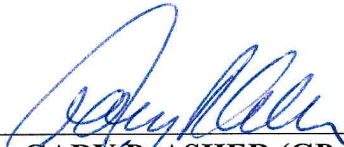
This verification is made by deponent and not by defendants as defendants do not reside in New York County.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Review of File Contents

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
April 9, 2008



GARY P. ASHER (GPA1188)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN W. BOLSCH and THERESA
BOLSCH,

Plaintiffs,

- against -

MW MECHANICAL, INC., HINES INTERESTS
LIMITED PARTNERSHIP and 140 BW LLC,

Defendants.

-----X
MW MECHANICAL, INC.,

Defendant/Third-Party Plaintiff,

-against-

HINES INTERESTS LIMITED PARTNERSHIP
and 140 BW LLC,

Third-Party Defendants.

-----X
C O U N S E L O R S :

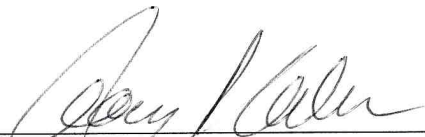
PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure 7.1 which enables judges and magistrate judges of the court to evaluate possible disqualification or refusal, the undersigned counsel for defendant/third-party plaintiff MW MECHANICAL, INC. certifies the following:

1. That there are no parent corporations in connection with this answering defendant/third-party plaintiff;
2. That the answering defendant/third-party plaintiff's stock is not publicly traded;

3. That as a consequence there are no publicly held corporations that own 10% or more of its stock.

PLEASE TAKE FURTHER NOTICE, that pursuant to Federal Rule of Civil Procedure 7.1(b)(1) that any supplemental statement that becomes necessary will be promptly filed.

Dated: New York, New York
April 9, 2008



By: Gary P. Asher (GPA 1188)
COHEN, KUHN & ASSOCIATES
Attorneys for Defendant
MW MECHANICAL, INC.
Two Park Avenue, 6th Floor
New York, New York 10016
(212) 553-8736

TO: LAW OFFICES OF MICHAEL J. ASTA
(MJA 1035)
Attorneys for Plaintiffs
JOHN W. BOLSCH and THERESA BOLSCH
450 Seventh Avenue, Suite 2205
New York, NY 10123
(212) 244-6555

PEREZ & VARVARO
By: Joseph Varvaro (4224)
Attorneys for Defendants/Third-
Party Defendants
HINES INTERESTS LIMITED
PARTNERSHIP and 140 BW LLC
333 Earle Ovington Boulevard
P.O. Box 9372
Uniondale, NY 11553-3644
(516) 745-831

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

MARIE SOUFFRANT-SANTIAGO, being duly sworn, deposes and says that she is employed in the law office of COHEN, KUHN & ASSOCIATES at Two Park Avenue, 6th Floor, New York, NY 10016, that on the 14th day of April, 2008, deponent, who is not a party to this action and is over eighteen years of age, served the annexed – ANSWER TO CROSS-CLAIMS - upon:

LAW OFFICES OF MICHAEL J. ASTA -(MJA 1035)

Attorneys for Plaintiffs
JOHN W. BOLSCH and THERESA BOLSCH
450 Seventh Avenue, Suite 2205
New York, NY 10123
(212) 244-6555

PEREZ & VARVARO
By: Joseph Varvaro (4224)

Attorneys for Defendants/Third-Party Defendants
HINES INTEREST LIMITED PARTNERSHIP,
and 140 BW LLC
333 Earle Ovington Boulevard
P.O. Box 9372
Uniondale, NY 11553-3644
(516) 745-8310

in this action, by depositing a true copy thereof properly and securely endorsed in a duly postpaid wrapper, in a post-office box in the County of New York, New York regularly maintained by the government of the United States at Two Park Avenue, 6th Floor, New York, NY 10016 and under the care of the New York, New York Post-office, which is the post-office of COHEN, KUHN & ASSOCIATES, attorneys for the defendant/third-party plaintiff, MW MECHANICAL, INC., herein directed to the addresses shown above, that being the addresses within the State designated by said attorneys for that purpose upon the last preceding papers in this action.


MARIE SOUFFRANT-SANTIAGO

Sworn to before me this
14th day of April, 2008


NOTARY PUBLIC

FRANK MONACO
Notary Public, State of New York
No. 01M05078973
Qualified in Nassau County
Commission Expires June 2, 2009